

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHARON O. HILSTON, individually and : CIVIL ACTION

as trustee of the James A. Hilston

Irrevocable Trust

:

:

:

v.

:

: NO. 14-7269

**AMERICAN GENERAL LIFE
INSURANCE COMPANY**

:

:

:

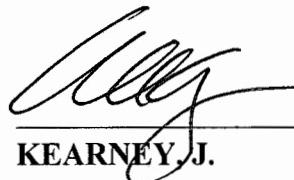
ORDER

AND NOW, this 12th day of May 2015, upon consideration of Defendant's Motion to Dismiss the Amended Complaint and Order for Rule to Show Cause (ECF Doc. No. 11), Plaintiff's Opposition (ECF Doc. No. 17), Defendant's Reply (ECF Doc. No. 18), and Plaintiff's Sur-Reply (ECF Doc. No. 21), and in accord with the accompanying Memorandum, it is

ORDERED Defendant's Motion is **GRANTED in part and DENIED in part:**

1. Defendant's Motion to Dismiss Count I (Breach of Contract) is **DENIED**, as Plaintiff has timely stated a claim for breach of contract;
2. Defendant's Motion to Dismiss Count II (Bad Faith) is **GRANTED** as to Plaintiff's claim as Trustee of the James A. Hilston Irrevocable Trust as barred by Pennsylvania's two year statute of limitations as evident on the face of the Amended Complaint;
3. Defendant's Motion to Dismiss Count II (Bad Faith) is **DENIED** as to Plaintiff's individual claim as a beneficiary;
4. Defendant's request for an Order to Show Cause challenging the Plaintiff's standing is **DENIED** subject to discovery and renewal following the close of discovery; and,

5. Defendant shall answer the Complaint on or before **May 26, 2015.**



KEARNEY, J.